



PATENT
(5760-22700/VRTS 0794)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/680,559
Filed: October 5, 2000
Inventor(s):
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Hipp

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§ Group/Art Unit: 2152
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§ Atty. Dkt. No: 5760-22700/VRTS
§ 0794
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Title: IP Virtualization

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Lawrence J. Merkel
Name of Registered Representative

[Signature] 5/23/06
Signature Date

APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(B)

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an application for patent term adjustment under 37 C.F.R. § 1.705(b). The above-captioned application was filed on October 5, 2000, and thus is eligible for patent term extension under 37 C.F.R. § 1.702. Set forth below is a statement of facts as required by 37 C.F.R. § 1.705(b)(2). Please debit the deposit account listed below for the fee set forth in 37 C.F.R. § 1.18(e). If any fee is missing or insufficient, or if other fees are due or if any fees are overpaid, the Commissioner is authorized to charge such fees or credit such overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5760-22700/LJM.

Pursuant to 37 C.F.R. § 1.705(b)(2)(i), the correct patent term adjustment is 851 days, based on C.F.R. §§ 1.702(a)(1) and 1.702(a)(2). More particularly, the First Office Action received in the above-captioned application was mailed February 2, 2004. The First Office Action was not mailed within 14 months of the filing date of the above captioned application. Applicant filed a Response to the First Office Action on May 3, 2004. A Second Office Action was mailed February 9, 2005, and thus was not mailed within 4 months of the filing date of Applicant's Response.

Pursuant to 37 C.F.R. § 1.705(b)(2)(ii), the period of adjustment for the First Office Action (as set forth in 37 C.F.R. § 1.703(a)(1)) begins on December 6, 2001 (the day after the date that is 14 months from the date on which the application was filed under 35 U.S.C. § 111(a)) and ends on February 2, 2004 (the date of mailing of the First Office Action). The period of adjustment for the First Office Action is 788 days. The period of adjustment for the Second Office Action (as set forth in 37 C.F.R. § 1.703(a)(2)) begins on September 4, 2004 ((the day after the date that is 4 months from the date on which the reply under 37 C.F.R. § 1.111 was filed) and ends on February 9, 2005 (the date of mailing of the Second Office Action). The period of adjustment for the Second Office Action is 158 days. The total of the periods of adjustment is 946 days.

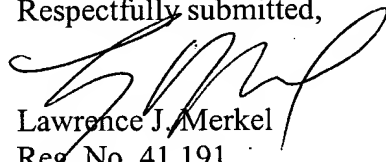
Pursuant to 37 C.F.R. § 1.705(b)(2)(iii), the above-captioned patent application is not subject to a terminal disclaimer.

Pursuant to 37 C.F.R. § 1.705(b)(2)(iv), it appears that there are two circumstances which qualify under 37 C.F.R. § 1.704 as a failure to engage in reasonable efforts to conclude prosecution. Thus, the patent term adjustment appears to be subject to reduction as follows. The Response to the First Office Action was filed on May 3, 2004, which is more than 3 months after the mailing date of the First Office Action, as set forth in 37 C.F.R. § 1.704(b). Additionally, an Electronic Information Disclosure Statement (IDS) was filed on August 6, 2004, and thus appears to qualify for reduction as set forth in 37 C.F.R. 1.704(c)(8). Pursuant to 37 C.F.R. § 1.704(b), the period of reduction for the filing of the Response to the First Office Action begins on May 3, 2004 (the day after

the day that is 3 months from the mailing date of the First Office Action) and ends on May 3, 2004 (the day that the Response was filed). The period of reduction for the filing of the First Response is 1 day. Pursuant to 37 C.F.R. 1.704(c)(8), the period of reduction begins on May 4, 2004 (the day after the day that the Response to First Office Action was filed) and ends on August 6, 2004 (the day that the Electronic IDS was filed). The period of reduction for the filing of the Electronic IDS is 94 days. Thus, the total reduction is 95 days and the correct patent term adjust is 851 days (946-95).

Applicants respectfully request that the patent term adjustment be recalculated and the correct patent term adjustment applied to the patent issuing from the above-captioned application.

Respectfully submitted,



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